

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

JACK JONES, MARCEL WILLIAMS,
FRANK WILLIAMS, JASON McGEHEE,
DON DAVIS, BRUCE WARD, STACEY
JOHNSON, ALVIN JACKSON and
KENNETH WILLIAMS

PLAINTIFFS

VS.

NO. CV-2010-1118

RAY HOBBS, Director, Arkansas
Department of Correction, and
ARKANSAS DEPARTMENT OF CORRECTION

DEFENDANTS

ORAL DEPOSITION OF WENDY KELLEY

FEBRUARY 23, 2011

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ORIGINAL

1 chemicals?

2 A They contacted my director.

3 MR. CORDI: I'm going to object to this
4 line of questioning, it's beyond the scope of
5 discovery. I'm not instructing Ms. Kelley not
6 to answer, but can I have a standing objection
7 to questions about the ADC providing lethal
8 injection drugs to other states? Just a
9 standing objection to it being beyond the
10 scope?

11 MR. BRADEN: Sure.

12 MR. CORDI: Thank you.

13 Q And I guess, from your handwritten notes here, you
14 provided Oklahoma with five grams; is that right?

15 A Yes.

16 Q Did they pay for them?

17 A No.

18 Q Have you provided lethal injection chemicals to any
19 other state?

20 A Yes.

21 Q Is that Mississippi?

22 A Mississippi and Tennessee.

23 Q And did they pay for those drugs?

24 A No.

25 Q Did any person you provided these drugs to have any

1 sort of prescription?

2 A Not that I'm aware of.

3 Q Do they have DEA numbers?

4 A I don't know.

5 Q Did you ask for a DEA number?

6 A No.

7 Q Do you know if the director asked if they had DEA
8 numbers?

9 A I don't know.

10 Q Do you know if the Department of Correction has
11 rules or regulations about disposing of State-owned
12 property?

13 A Yes, we do.

14 Q Were those rules followed when you provided drugs
15 to Oklahoma, Mississippi, and Tennessee?

16 A I don't recall consulting with the rules.

17 Q But those drugs were State property at the time?

18 A Yes.

19 MR. CORDI: I'm going to object to the
20 form. When you say "rule," I don't understand
21 if that's a statute or a regulation.

22 MR. BRADEN: Well, I understand your
23 objection, but I think everybody knows what I
24 mean by the question. There's rules of
25 disposing of property.

1 THE WITNESS: I assumed you were talking
2 about ADC rules, because that's what I think
3 you asked me.

4 MR. BRADEN: Right.

5 THE WITNESS: And there are ADC rules.

6 Q Have you ever gotten chemicals from other state
7 agencies?

8 A From other states?

9 Q Uh-huh.

10 A Yes.

11 Q And was that Tennessee?

12 A Yes.

13 Q And why did you get chemicals from them?

14 MR. CORDI: Same standing objection to
15 questions about the ADC obtaining lethal
16 injection drugs from other states. I
17 respectfully submit that to be beyond the scope
18 of discovery. But I'm not instructing you not
19 to answer, I'm just making an objection.

20 A Because we had a scheduled execution and we
21 couldn't obtain them through the manufacturer or a local
22 pharmacy, and the director contacted Tennessee and made
23 arrangements, and I contacted them and told them when I
24 would be there.

25 Q Did you pay for them?

1 A No.

2 Q Did you have a prescription?

3 A No.

4 Q Did you have your DEA number yet?

5 A I don't remember. I think so, but I don't
6 remember. I can look through the exhibits and answer
7 that question, if you want me to.

8 Q No, that's okay.

9 A I also obtained some from Texas.

10 Q Looking at the logs here, as best as I can tell,
11 you obtained chemicals from Tennessee and you've given
12 chemicals to Tennessee; is that right?

13 A Yes.

14 Q In kind of layman's terms, is that kind of a
15 payoff or a trade, so to speak, or was it each time
16 there was a need for them, at each location?

17 A Each time there was a need for them. And as best
18 I'm aware, the agreement my director had with other
19 directors any time there was an exchange was that there
20 would be a payoff when needed.

21 Q So who arranges these transfers, the directors?

22 A They have to authorize them, yes.

23 Q Is there anything in writing about that?

24 A No.

25 Q So these are all done verbally?

- 1 A As far as I know.
- 2 Q So there's no documentation or e-mails or memos or
- 3 anything about these various transfers?
- 4 A I have it all in a log book.
- 5 Q When did you obtain drugs from Texas?
- 6 A It's going to take me a minute to figure it out.
- 7 It was in April of 2010.
- 8 Q And how much did you obtain from them?
- 9 A I don't remember which sheet is which, I'm sorry.
- 10 Q And was that arranged through Mr. Hobbs and whoever
- 11 the director is of the Texas Department of Correction?
- 12 A In Texas, there is a Department of Criminal
- 13 Justice, I think, and then there is a director for the
- 14 correctional piece of it, and it was the director for
- 15 the correctional piece. I don't remember what his title
- 16 is.
- 17 Q Did you go to Texas and pick them up?
- 18 A Yes, I did.
- 19 Q And where did you pick them up, Huntsville?
- 20 A At the Walls; is that where they did executions
- 21 there?
- 22 Q I believe, but I don't know for sure. I believe
- 23 it's in Huntsville.
- 24 A I went wherever they had them.
- 25 Q Had they ever got any from you?

1 A No.

2 Q So Mississippi, Tennessee, and Oklahoma are the
3 only places that have got chemicals from you, or from
4 the Arkansas Department of Correction?

5 A Yes.

6 Q And just to be clear, you have obtained chemicals
7 outside of the distributors and so forth from Tennessee
8 and Texas, correct?

9 A Yes.

10 Q Any other governmental agency?

11 A No.

12 Q Do you still have any of the drugs that you
13 obtained from Texas and Tennessee on hand?

14 A No.

15 Q Have they been used, or have they expired and then
16 been disposed of?

17 A They were provided to other states. I don't have
18 them.

19 Q Who's Julie Radovic, mentioned on Page 64 of your
20 documents?

21 A I think she's who had to set up my account with
22 Hospira.

23 Q But that's different than the sales person you've
24 discussed that with?

25 A Right. I never met her. I never had any

PHARMACY _____

RX# _____ RX DATE _____

RX# _____ RX DATE _____

RX# _____ RX DATE _____

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2

PATIENT 29 year old
 DRUG/STR Paracetamol 500mg / 2.5g tablets
 DIRECTIONS as directed
 DOCTOR Dr. [Signature] DOSAGE ROUTE PO
 PHARMACY [Blank] RX# [Blank] RX DATE [Blank]
 RX# [Blank] RX DATE [Blank]
 RX# [Blank] RX DATE [Blank]

DATE	TIME	QTY ON HAND	AMOUNT USED	RCD FROM PHARM	TOTAL REM	NURSE'S SIGNATURE	DATE	TIME	QTY ON HAND	AMOUNT USED	RCD FROM PHARM	TOTAL REM	NURSE'S SIGNATURE
4/6/10	1500			12		Wendy Kelley							
4/29/10	1625	12				Wendy Kelley							
5/5/10	1408		12 provided	Mississippi		Wendy Kelley							
2/20/10	1617	0				Wendy Kelley							